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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,794	03/06/2002	Margaret Paige Smith	PU020055	8937

7590

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EXAMINER

CORRIELUS, JEAN M

ART UNIT

PAPER NUMBER

2162

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/091,794

Applicant(s)

SMITH, MARGARET PAIGE

Examiner

Jean M. Corrielus

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to the amendment filed on September 28, 2005, in which claims 1-15 are presented for further examination.

Response to Arguments

2. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection necessitated by amendment.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Kageyama US Patent no. 6,333,790.

As to claim 1, Kageyama discloses the claimed “providing a sensor for the display system for automatically sensing at least one parameter relating to failure of said display system” by detecting an occurrence of trouble, wherein an inquiry is issued to the display system informing of the occurrence of the trouble (col.10, lines 10-38; col.11, lines 21-23); “comparing at least one parameter sensed by said sensor to at least one replacement criterion for said part” by periodically monitoring the printing engine to compare the parameter signaled by the signal to at least one replacement part and based on the collection of information on occurrence of trouble in

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the printer engine, the total printer management service processing part proposes a replacement part to the printer controller, which is then transmitted the replacement part proposal to the first computer (col.2, lines 58-62; col.11, lines 25-38); “displaying upon said display system a user notification screen based upon the results of said comparing step” notifying of the shortage of the consumable articles and providing proposes replacement of a part which is in need of replacement, and based on the transmitted part replacement proposal the first computer issues information for ordering the replacement part (col.2, lines 62-65; col.12, lines 10-45); “providing a user interface device permitting a user to provide a response to said notification screen” notifying the user in placing the order concerning the received information, wherein transmitting the received information for ordering the replacement part to a second computer for acceptance, wherein the proposal is made using a user interface for user service at the printer manufacturer and forwarding the information on the completion of acceptance of the order(col.2, lines 65-67; col.12, lines 55-65; col.13, lines 21-25). Kageyama automatically orders the replacement for the part based upon said response to the user notification screen, at the time when the user of the first computer receives the proposal information request corresponding to the information of the replacement part (col.13, lines 1-3).

As to claims 8 and 9:

The limitations of claims 8 and 9 have been noted in the rejection of claims 1 above. They are, therefore, rejected under the same rationale.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 2-7 and 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kageyama US Patent no. 6,333,790 and Crisp III (hereinafter "Crisp") US Patent no. 6,799,085. As to claim 2, Kageyama substantially discloses the claimed. However, Kageyama does not explicitly disclose the use of "communicating a replacement part order center at least one billing address, a billing account, a shipping address, and a part identification code" serial number, planning bill ". On the other hand, Crisp discloses the claimed "communicating a replacement part order center at least one billing address, a billing account, a shipping address, and a part identification code" serial number, planning bill (col.14, lines 58-60, col.15, lines 50-60; col.16, lines 1-10). Crisp, also discloses an analogous system that provides the use of automatically generating a user notification when comparison of said parameter to said at least one replacement

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criterion indicates that a replacement part should be ordered (col.16, lines 55-62; col.17, lines 17-26; col.19, lines 42-47). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of the cited references, wherein the printing system of Kageyama would incorporate the of communicating a replacement part order center at least one billing address, a billing account, a shipping address, and a part identification code. One having ordinary skill in the art would have found it necessary to communicate a replacement part order center at least one billing address for the purpose of facilitating rapid and less expensive delivery of the ordered (col.2, lines 38-39).

As to claim 3, Crisp discloses the claimed “transmitting said order to said replacement part order center through least one of a global computer network, cable television network, a wireless link, and a dial-up telephone line” as dial-up connection (col.8, lines 10-14)

As to claim 4, discloses the claimed “wherein said parameter selected from the group comprising a duration, output level, an input level, an operating temperature, a number of on-off cycles, an oxidation level, a corrosion level, a decomposition level and a material elasticity level” determining when the machine is reaching the end of its useful life (duration or life cycle) (col.4, lines 43-44).

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As to claim 5, Crisp discloses the claimed “wherein said parameter for said part an output level for a light source” (col.21, lines 60-67).

As to claim 6, Crisp discloses the claimed “wherein said system projection display and said part light source” ” (col.21, lines 60-67).

As to claim 7, Crisp discloses the claimed “wherein said replacement part order center is a computer server” (col.14, lines 23-38.

As to claims 10-15:

Claims 10-15 are system of claims for performing the method of claims 2-7. They are, therefore, rejected under the same rationale.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

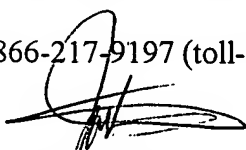
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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean M. Corrielus whose telephone number is (571) 272-4032. The examiner can normally be reached on 10 hours shift.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jean M Corrielus
Primary Examiner
Art Unit 2162

December 8, 2005